

LSK&D #: 564-8006 / 990694

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CINDY HOGAN-CROSS,

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.
-----X

No. 08 CV 00012 (LAK)

**AFFIDAVIT OF
Margaret Calderon**

STATE OF ILLINOIS)

ss.:

COUNTY OF COOK)

I, Margaret Calderon, being duly sworn, depose and state as follows:

1. I am employed by defendant Metropolitan Life Insurance Company ("MetLife") as a Litigation Specialist. I make this Affidavit in support of MetLife's motion to transfer venue in the above-captioned action.

2. As part of my job responsibilities, I am familiar with plaintiff Cindy Hogan-Cross's claims for benefits under the International Business Machines Corporation ("IBM") long-term disability ("LTD") Plan (the "Plan"). MetLife administered claims under the Plan. I am also familiar with MetLife's claim file pertaining to Hogan-Cross's claim (the "Claim File"), which has been routinely kept by MetLife in the ordinary course of its business.

3. MetLife administered Hogan-Cross's LTD benefits claim in its disability claims office in Utica, New York.

4. In the course of its review of Hogan-Cross's claim, MetLife consulted with two independent physicians, neither of whom are located in New York.

5. During MetLife's review of Hogan-Cross's claim, she was examined by an independent physician and tested by an independent psychologist. Both of these medical providers are located in the Dallas, Texas area.

6. Attached hereto as Exhibit "A" are true and correct copies of documents submitted by Hogan-Cross in support of her claim. The documents are contained in MetLife's Claim File. These documents show that (a) Hogan-Cross's address is in Lewisville, Texas; (b) her place of employment was in Dallas, Texas; and (c) her treating medical providers were located in the Dallas, Texas area.

Margaret A. Calder

Sworn to and subscribed before me this
7th day of March, 2008

Notary Public

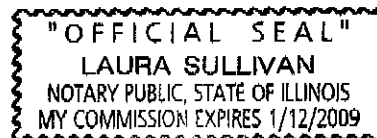


EXHIBIT "A"

Cindy K. Hogan-Cross
1877 Trail Ridge Drive
Lewisville, Texas 75077
HM#(972) 317-7755 WK#(972) 561-6378
CindyHoganCross@aol.com

Claim # 630609296593

OBJECTIVE: Technical Support/ Project Lead/Programmer

EDUCATION: Bachelor of Science in Computer Science with Business Minor
GPA 3.4 Graduated 5/96 from Texas Woman's University, Denton, Texas.

WORK EXPERIENCE:

IBM Corporation: Software Engineer, Dallas, TX
(1/2000-present) Technical Support for WebSphere Data Interchange on MVS z/OS, AIX, and Windows using XML, ADFs, and EDI X12 Standards. Recreated, tested, and resolved customer problems via phone, email, and electronically. Recreated and tested problems for development. AIX System Administration training. Published technical documents for WDI on the web.

BancTec: Application Software Engineer II, Irving, TX
(9/96-1/2000) Project management and coordination on existing systems and new system installations. System analysis and pricing of programming jobs. System Administration for UNIX, Windows NT, Plexus Object Server and Storage Manager Optical jukebox software. Worked on site and via phone doing technical support for ImageFirst Office, UNIX, Windows NT, networking, Image Statement Print, OSA, and MARS. Planned and priced ISP test system. Assisted with transport backups and upgrades. Worked on site assisting with router and ipaddress changes. Resolved ipaddress conflicts. Resolved P.C. workstation problems. Applied updated network drivers. Used UNIX and VI editor to create shell scripts on the HP UNIX servers. Assisted in setting up host files for an addition of a new site. Examined VX-REXX, REXX, and C programs to identify problems to be corrected or changed. Did COBOL programming modifications to application software. Configured projects in PVCS. Did year 2000 testing and correction on existing customer systems.

Advantis Networking at IBM: Technical Support Representative, Dallas, TX
(9/93-9/96) Resolved customer installation and operations problems via phone and electronically for connections through the IBM Mail LAN Gateway/2 software from email systems to host systems.

IBM Corporation: Technical Support Representative, Dallas, TX
(7/89-9/93) Resolved problems with IBM DisplayWrite word processing software via phone and electronically. Ability to identify problems and guide users through steps necessary to correct them. Did technical writing creating directions to perform functions in DisplayWrite that were published in the DisplayWrite Hints and Tips manual.

Computer Knowledge: Assembly, BASIC, C, COBOL, PASCAL, REXX, VX-REXX, RETAIN, Xedit, Windows, UNIX, VI Editor, PVCS Version Control Manager, VM/CMS, OV/VM, MVS, OS/390, Z/OS, DB2, SQL, AIX & UNIX System Administration, NT System Administration, TC/PIP, Lotus Notes, XML, TSO, ISPF, SDSF, JCL.

Honors: Golden Key National Honor Society, Gamma Beta Phi Society (Fresh/Soph), Omega Rho Alpha (Fresh/Soph), Outstanding College Students of America, National Collegiate Computer Science Award nominated by Dr. Mona Cheni. United States Achievement Academy, The National Deans list, Who's Who in America 2005.

REFERENCES: Available upon request.

Pg 1 of 7

Cindy Hogan-Cross
1874 Trail Ridge Drive
Lexisville, TX 75077
972 317-7755

RE: Longterm Disability

Claim# 6306092 96593

Group# 117542/IBM

Serial# 624038

May 1, 2007

Third Request

ATTENTION: Tammy Bravo
Case Management Specialist
MetLife Disability
P.O. Box 14592
Lexington, KY 40511-4592
1800 638 0064
1800 230 9531 fax

Dear Tammy,

I am under appropriate care and treatment as defined in my plan. I request to appeal the decision for denial of this Claim. You do not have all of my medical records from all of my doctors. You said that there are no providers for you to request medical information. I have many providers, so that you can request medical information. See additional pages with providers information. Please acknowledge receipt of this letter. I have been recognized as disabled since 4/19/2007. Regards,

Cindy Hogan-Cross
Cindy Hogan-Cross

DR. Shoulman and

JAMES A. CONYERS, M.D., F.A.C.S.

General Surgery
Diplomate of the American Board of Surgery500 West Main, Suite 300 Lewisville, Texas 75057
(972) 219-6800 • Fax (972) 219-0053Medical assistant
258 Elizabeth SmithERIC R. HURD, M.D.
JOHN J. WILLIS, M.D.
MARIA SACKLER, M.D.
ALEX LIMANNI, M.D.
PRIYA NATH, M.D.1929 N. Central Expressway
Suite 225
Richardson, TX 75080
(972) 234-3001
Fax (972) 234-3088712 North Washington
Suite 300
Dallas, Texas 75246
(214) 823-6503
Fax (214) 826-0605

BAYLOR

Surgicare at Lewisville

(972) 315-1401

1854 Lakepointe Drive
Lewisville, Texas 75057
(972) 315-9242 Fax
www.lcwisville-sc.comTDDC
Texas Digestive Disease ConsultantsJames T. Cox, M.D.
S. Neil Mehta, M.D.
Amanda McCown, PA-C1850 LAKEPOINTE DR., SUITE 400
LEWISVILLE, TEXAS 75057
(972) 316-0262 PHONE
(972) 316-8762 FAX

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☐ J. David Wolfman, M.D.
☐ Kevin P. O'Neill, M.D.
☒ Leslie A. Phillips, M.D.
☐ Elia Fanous, M.D.
☐ Angela Myles, M.D.

ppt. 2/6/06 4:30 pm
309 Sagebrush Dr., Ste. 101 ☐ 2001 N. MacArthur, Ste. 540
Flower Mound, Tx 75028 Irving, TX 75061
972-899-5757 972-253-5000

Kindly give 24 hours notice if unable to keep appointment

John Mulford, RN, MS, FNP-C
Fariborz Alan Davoodi, M.D.
Diplomate, American Board of
Family Practice3101 Churchill Drive, Suite 315
Flower Mound, Texas 75022
Telephone: 972-691-9190
Fax: 972-691-3847TEENA PETREE, P.T.
DONNA WITTEN, MSPT17817 DAVENPORT RD., SUITE 230 DALLAS, TEXAS 75252
972/732-7797 FAX 972/732-7794

Email: therapy@summitphysicaltherapy.com Web Site: www.summitphysicaltherapy.com

BERNIE L. MCCASKILL, M.D. P.A.
SURGERY OF THE SPINE
GENERAL ORTHOPAEDIC SURGERY8220 WALNUT HILL LANE, SUITE 310 2306-A SOUTH FM 51
DALLAS, TEXAS 75231 DECATUR, TEXAS 76234
214/691-7077 940/627-1791
FAX 214/692-8421 FAX 940/627-57254217 Marsh Ridge Rd, Ste 120
{NW corner of Hebron & Marsh Ridge}
{on Hebron between Marsh & Josey Ln}
Carrollton, TX 75010NEUROLOGY & SLEEP CLINIC
KIRAN P. SHAH, MDPhone: (972) 306 6300
Fax: (972) 306 6500
Website: www.thebrainmd.comBoard Certified in Neurology
EMG/NCV, Sleep Medicine &
Neuroimaging

www.fibromyalgia.com

Phone: 972-980-2300
Fax: 972-980-3730

Dellon, Texas 75230

12240 Hillcrest Road
Suite 100

Dr. Spurlin

FIBROMYALGIA &
FATIGUE CENTERS
INCORPORATEDClaim # 630609296593
Group # 117542/IBM

MOHAN PENMETCHA, M.D.
Board Certified in Rheumatology and Internal Medicine

475 West Elm, Suite 201
Lewisville, Texas 75057

primary address & correspondence
2008 East Hebron Pkwy, Suite 100
Carrollton, Texas 75007
(t) 972.492.8700 (f) 972.395.1140

6300 West Parker Rd
Bldg 2, Ste 420
Plano, Texas 75093

Statement of Account

Starin Family Care Chiropractic
1565 West Main Street #210
Lewisville, TX 75067

Cindy Hogan-Cross
1877 Trail Ridge Dr
Lewisville, TX 75077

Account No.

HOGAN0000

Page #

1

Date

02/12/2001

Sarah Strebeck, M.D.
Board Certified Adult Psychiatry

1422 W. Main St., Ste. 107
Lewisville, TX 75067
sarahstrebeckmd@verizon.net

Phone: 972-436-8200
Fax: 972-436-9601



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Bradley A. Watts, M.Div., LMFT
Director of Clinical Services
Pastoral Counselor

A Community Resource for Healing and Growth
4525 Lemmon Avenue, Suite 200 Dallas, Texas 75219-2100
214/526-4525 FAX 214/520-6468

Baylor Medical Center at Irving
1901 N. MacArthur
Irving, TX 75061
phone: 972 579-4323 fax: 972 579-4416

Claim # 630609296593
Group # 117542 / ABM

Barry Sanders, M.D.
Board Certified

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3057 Churchill Suite 230
Haworth, Texas 75022
Telephone: (972) 899-4720

Sarah Strebeck, M.D.
Board Certified Adult Psychiatry

1422 W. Main St., Ste. 107
Lewisville, TX 75067
sarahstrebeckmd@verizon.net

Phone: 972-436-8200
Fax: 972-436-8601

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Email: drshawn@wholebodyhealingcenter.com



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(972) 317-3366 fax
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Claim # 6306 0929 6593
Group # 117 542 / IBM



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Ft. Worth, TX 76117

(800) 323-1055

Way Organics, ...
healing partner, please call for the dates of the next training event.



Cyndi James-Clayton, RM, Certified SRT
Practices Reiki, Spiritual Response Therapy (SRT), Spiritual
Restructuring and Pilgrimage Integrative Healing Process (PIHP).

070507003333

Claim# 63060929 0593
Group# 117542/IBM 110

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Prov 3:7-8

LIVING INSIGHTS

PIDGE HAYNES, MBE

BIO-ENERGY PRACTITIONER

5620 Brownfield Dr
Unit B
Lubbock, Texas

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Cell: (806) 252-2844

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PureCharge Energetic Foot Spa
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Chi Machine
Energy Patch Systems
StemEnhance
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L If only your body could tell you what it needs!!!!
S Well now it can!
A The LSA (Limbic Stress Assessment) is a comprehensive bio-feedback system that communicates with your body, allowing it to respond to a wide variety of stressors. The LSA will quickly and non-invasively measure and analyze what your body needs to maintain healthy balance. Remedies will be offered in response to your specific needs to support your body's natural abilities to heal, giving you answers to your unique health-care questions. Our goal is

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Medical Center of Lewisville

Department of Radiology
500 West Main Street
Lewisville, Texas 75057
Phone: (972) 420-1070, Fax: (972) 420-1054

M _____

Has an appointment date/time: _____

Examination: _____

Please arrive in Outpatient Admitting 30 minutes prior to your scheduled time unless otherwise directed. For special instructions see reverse.

Claim #
630609296593
117542/IBM

03/05/07 09:43:39 AM

MRI Central
9840 N. Central Expressway Suite 254
Dallas, TX 75231
214 361 8018

Imaging Specialists Group LTD
3601 Churchill Suite 100
Flower Mound, TX 75022
972 724-0100 fax 972 724 4455

MetLife - Metropolitan Life Insurance Company
met Disability
P.O. Box 14590
Lexington, KY 40511 - 4590
Tammy Bravo Case Management Specialist
1800 638-0064 fax 1800 230 9531
Claim # 630609296593
Group # 117542/IBM Serial # 624038



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RUDY N. TOVAR, M.D.
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